

Joint Statement of the Medan Conference on Land Grabbing and Oil Palm Plantations in Southeast Asia

We, the participants of the Southeast Asia Conference on Land Grabbing and Oil Palm Plantations, hosted by Lentera Rakyat, coming from Indonesia, Malaysia, the Philippines and Cambodia, gathered in Medan, Indonesia, from November 5-10 2012 to discuss and share information on land grabbing and the adverse impacts of the expansion of oil palm plantations on local communities across the region.

The conference reviewed and shared present-day situations of landgrabbing across Southeast Asia, as experienced by Cambodia, the Philippines, Malaysia and Indonesia in the name of State-sanctioned economic development policies. The practice has created a wide range of adverse impacts, in particular the rapid depletion of tropical forests in the region, a high number of agrarian conflicts, and the forced eviction of local people from their lands. About 16 million hectares have been planted with oil palm in Southeast Asia, of which 80 % has been converted in the last 15 years.¹ Land grabbing has also often led to repeated instances of criminalisation of local people, particularly indigenous peoples and human rights defenders who struggle to defend their rights and legitimate claims under existing international human rights laws. In some cases, landgrabbing has been facilitated by formal State regulations and the use of a repressive State apparatus. More importantly, victims often are left without any means to exercise their right to remedy.

The conference welcomed and supported the concerns and recommended actions of the *Bali Declaration on Human Rights and Agribusiness in Southeast Asia*, which calls for urgent steps to be taken by governments to address the adverse impacts of the expansion of oil palm monoculture plantations, including - among others - the adoption of international human rights standards and policy reforms on land tenure and land acquisition.

The participants of the conference affirmed their support for the *Statement of the Phnom Penh Workshop on Human Rights and Agribusiness in Southeast Asia*², an outcome of the workshop held in October 2012, convened by the Indonesian National Human Rights Commission (KOMNAS HAM) and attended by various National Human Rights Commissions and Institutions (NHRIs) of Indonesia, Thailand, Malaysia, the Philippines, Cambodia, Timor-Leste, Myanmar and South Korea as well as concerned civil society organizations and the Indonesian representative to the ASEAN Inter-Governmental Commission on Human Rights (AICHR). The statement calls for concrete actions from the AICHR, the governments of the ASEAN region and NHRIs to address the human rights violations of local communities, indigenous peoples and human rights defenders as caused by the rapid and ill-regulated expansion of agribusiness in the region.

We also support the recommendations of the *Southeast Asia Regional Workshop on Promoting Peoples' Rights to Land and Natural Resources*³ held in Bali on July 2012, hosted by HuMa, which called for strengthening of CSO networks and capacities in confronting land grabbing and human rights violations.

¹ Oil Palm Expansion in Southeast Asia, Trends and Implications for Local Communities and Indigenous Peoples, Marcus Colchester and Sophie Chao (eds.), FPP and SW, July 2011, page 5.

² <http://www.forestpeoples.org/sites/fpp/files/news/2012/10/Finalised%20Statement%20of%20the%20Phnom%20Penh%20Workshop.pdf>

³ <http://huma.or.id/en/pendamping-hukum-rakyat/aktivitas/hentikan-perampasan-tanah-sekarang-mari-mendorong-investasi-positif-atas-tanah-pertanian-dan-kedaulatan-pangan.html>

We acknowledge that land grabbing is a process of dispossession of people's rights to land, natural resources and livelihoods, routinely in violation of their right to Free, Prior and Informed Consent (FPIC). The country report presentations demonstrated the escalating land grabbing realities in Southeast Asia. Through the field visits to various affected communities and victims of land grabbing, we saw a common pattern that exists across the region, such as the stigmatization among individuals and communities who have for long years and decades of struggle stood up for their rights to land in the face of extreme external pressures. Some have been imprisoned, others are on wanted lists. A good number has been released on bail but is still confronted with various criminal charges. We also found out that existing legal systems in the region are not in favor of people's customary tenurial rights, even when they possess legal and physical evidence of long-term access and use of these lands. Conversely, the national governments are the institutions that facilitate large-scale businesses to convert forests, peat lands and productive agricultural areas into oil palm plantations mainly for profit and export-driven global economy.

At the ASEAN level, despite the mandate of the AICHR, there is no functioning human rights mechanism in place which could adequately respond to the concerns of local peoples who continue to suffer from the impacts of land grabbing. The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security*, adopted by the Committee on World Food Security on 11 May 2012 has yet to be implemented and deliver concrete and positive results on the ground.

In reflection of the aforementioned situations, we call on:

1. The governments of the ASEAN region to respect and uphold the right to land of local communities, especially men and women farmers, and indigenous peoples. We urge governments to judiciously observe the right to Free, Prior and Informed Consent (FPIC) as a mandatory requirement in all national laws pertaining to land tenure. We urge the State authorities to strengthen national legal systems to effectively stop and prevent the criminalization of local peoples and human rights defenders who struggle to defend legitimate tenure rights;
2. The ASEAN to extend the mandate of AICHR as an independent human rights mechanism to investigate the violation of farmers and indigenous people's rights; and to encourage its Member States to adopt and mainstream the *Voluntary Guidelines* in national legislation;
3. The European Union to integrate in its bilateral trade agreements a transparent monitoring and feedback mechanism which can effectively handle and mediate conflicts that may arise between transnational companies and local communities;
4. The Roundtable on Sustainable Palm Oil (RSPO) to put in practice the internationally accepted human rights principle of "PANTHER" (Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law). We also urge the RSPO to make effective use of alternative dispute resolution mechanisms;

5. Agribusiness companies and investors to respect the rights of local communities to land and natural resources by strictly observing and not circumventing the Free, Prior and Informed Consent (FPIC) process.

Adopted by Acclamation on November 9th 2012 by the following:

1. Agus Sutomo, Gemawan Kalbar, Indonesia
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3. Alejandro C Carillo, FIAN Philipines
4. Ben Indris, SBPI, Indonesia
5. Carolin Callenius, BftW, Germany
6. Dana Tarigan, Walhisu, Indonesia
7. Dewi Kartika, KPA, Indonesia
8. Estrella F. Catarata, FARDEC (Central Visayas Farmers Development Center), Philipines
9. Fatilda Hasibuan, Sawit Watch, Indonesia
10. Florian Johannes, GKI-TP, Papua, Indonesia
11. Hawari, Bitra, Indonesia
12. Herwin Nasution, Lentera, Indonesia
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14. Indri Diah Saptaningrum, ELSAM, Indonesia
15. Junpiter Pakpahan, KSPPM, Indonesia
16. Kusnadi, Walhisu, Indonesia
17. Longgena Ginting, United Evangelical Mission, Indonesia
18. Maly Seng, Cambodia
19. Michael Schirmer, BftW, Germany
20. Natal Sidabutar, Lentera, Indonesia
21. Nur Hidayati, WALHI, Indonesia
22. Shandi Renata, Lentera, Indonesia
23. Touch Setha, Cambodia
24. Rusliadi, JKMA Aceh, Indonesia
25. Saurlin Siagian, Indonesia
26. Septer Manufandu, Fokker Papua, Indonesia
27. Sisilia, HUMA, Indonesia
28. Starjoan D. Villanueva, AFRIM, Philipines
29. Sophie Chao, FPP, United Kingdom
30. Su Mei Toh, Wild Asia, Malaysia
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32. Tandiono Bawor, HUMA, Indonesia